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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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CHICAGO, IL 60601

EXAMINER
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KHAN, SUHAIL

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/692,622

Applicant(s)

VOGEDES ET AL.

Examiner

Suhail Khan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 and 9-13 rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6314306 to Harris.

Referring to **claim 1**, Harris discloses an apparatus for sender controllable modalities, the apparatus comprising: a priority command generator capable of generating a priority command that includes a modality alert command (col 1, lines 60-65, ring command, interpreted as being the modality alert command is within the control code, interpreted as being the priority command); a communication command generator capable of generating a communication command (col 1, lines 45-50, text originator, text message is interpreted as being the communication command); and a transmitter operably coupled to the priority command generator and the communication command generator such that the priority command and the communication command are transmitted to a recipient device wherein the recipient device may receive the modality alert command within the priority command (col 1, lines 50-65, text delivery service, ring command within control code).

Referring to **claim 2**, Harris discloses the apparatus of claim 1 further comprising: an input device operably coupled to the communication command generator such that the communication command generator generates the communication command in response to an input communication command (col 1, lines 45-55, text originator; text message, interpreted as being the communication command, is sent using input form a mobile device).

Referring to **claim 3**, Harris discloses the apparatus of claim 2 further comprising: the input device operable coupled to the priority command generator such that the priority command generator generates the modality alert in response to an input priority command (col 1, lines 60-65, ring command is within the control code).

Referring to **claim 4**, Harris discloses the apparatus of claim 1 wherein the modality alert command includes instructions such that an alert is at least one of the following: a vibration, a predetermined ring tone, one or more beeps, one or more flashing lights, a wake-up command and a defined output multi-modal output modality setting (col 1, lines 60-65, ring; col 2, lines 25-30, vibrator, light on/off).

Referring to **claim 9**, Harris discloses a method for sender controllable modalities in a sender device, the method comprising: generating a communication command; generating a priority command including a modality alert command, wherein the priority command relates to the communication command; and transmitting the communication command and the priority command to a recipient device (col 1, lines 45-55, text originator; text message, interpreted as being the communication command, is sent using input form a mobile device; col 1, lines 60-65, ring command is within the control code).

Referring to **claim 10**, Harris discloses the method of claim 9 further comprising: prior to generating the communication command, receiving a proximity indicator indicating a location of the recipient device.

Referring to **claim 11**, Harris discloses the method of claim 9 wherein the modality alert command includes at least one of the following: a vibratory alert, a ring-tone, a wake-up command, a text-based alert, an illumination alert and a defined output multi-modal output modality setting (col 1, lines 60-65, ring; col 2, lines 25-30, vibrator, light on/off).

Referring to **claim 12**, Harris discloses the method of claim 9 wherein the communication command may be at least one of the following: a caller identification, a text message, an auditory message and a visual message (col 1, lines 45-50, text message).

Referring to **claim 13**, Harris discloses the method of claim 9 wherein the step of transmitting the communication command and the priority command to the recipient device further includes transmitting the communication command and the priority command to an intermediate server prior to the communication command and the priority command being transmitted to the recipient device (figure 1, text delivery service 104).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claim 5, 7-8, 14, 16-18, 20-21 and 23-24 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6314306 to Harris in view of U.S. Pat. App. Pub. No. 2003/0088633 to Chiu et al.

Referring to **claim 5**, Harris discloses an apparatus for sender controllable modalities, the apparatus comprising: a notification system having an internal alert modality setting (col 1, lines 62-67, ringer rings as per command); a receiver operably coupled to the notification system, wherein the receiver receives a communication command and a priority command from a sender device (figure 1 and col 1, lines 45-65, text message, interpreted as being the communication command is received at mobile device 110, delivers a ring command within control code); a modality alert command is provided to the notification system to override the internal modality setting (col 2, lines 25-30, remote control; col 1, lines 60-67, tells the ringer to ring a certain way), wherein the modality alert command is disposed within a notification command (col 1, lines 50-65, text delivery service, ring command within control code; ringer rings hence 'notifying'); and a notification device operably coupled to the notification system such that in response to the notification command, the notification device provides an alert in accordance with the modality alert command (col 1, lines 60-67, ring). Harris does not disclose a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that the sender device is verified and the priority command is verified. Examiner maintains that the concept that a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that the sender device is verified and the priority command is verified was well known in the art as taught by Chiu et al.

In a similar field of endeavor, Chiu et al show a device that authenticates the identity of the sender of a command message as well as integrity of the content of the command message (page 13, paragraph 100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris to show an apparatus for sender controllable modalities, the apparatus comprising: a notification system having an internal alert modality setting; a receiver operably coupled to the notification system, wherein the receiver receives a communication command and a priority command from a sender device; a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that if the sender device is verified and the priority command is verified, a modality alert command is provided to the notification system to override the internal modality setting, wherein the modality alert command is disposed within a notification command; and a notification device operably coupled to the notification system such that in response to the notification command, the notification device provides an alert in accordance with the modality alert command, as taught by Chiu et al, the motivation being determining whether a command message is valid or whether the command specified in a particular command message should be applied (Chiu et al, page 13, paragraph 100).

Referring to **claim 7**, Harris discloses the apparatus of claim 5 wherein the modality alert command includes instructions such that the alert is at least one of the following: a vibration, a predetermined ring tone, one or more beeps, one or more flashing lights, a wake-up command and a defined output multi-modal output modality setting (col 1, lines 60-65, ring; col 2, lines 25-30, vibrator, light on/off).

Referring to **claim 8**, Harris discloses the apparatus of claim 5 in which the sender device may override the internal modality setting based on a comparison of the sender device with the plurality of sender device identifiers (col 2, lines 25-30, remote control; col 1, lines 60-67, tells the ringer to ring a certain way). Harris does not disclose a verification module that further includes a memory device storing a plurality of sender device identifiers and the internal modality setting. Examiner maintains that the concept of a verification module that further includes a memory device storing a plurality of sender device identifiers and the internal modality setting was well known in the art as taught by Chiu et al.

In a similar field of endeavor, Chiu et al show a device that authenticates the identity of the sender of a command message as well as integrity of the content of the command message (page 13, paragraph 100). Authentication occurs in the mobile device. It is inherent that the mobile device comprises memory.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris to show a verification module that further includes a memory device storing a plurality of sender device identifiers and the internal modality setting, as taught by Chiu et al, the motivation being determining whether a command message is valid or whether the command specified in a particular command message should be applied (Chiu et al, page 13, paragraph 100).

Referring to **claim 14**, Harris discloses a method for sender controllable modalities in a recipient device (figure 1, mobile device 110), receiving a communication command and a priority command from a sender device (col 1, lines 45-65, text message; ring command within control code) and that the sender device may override an internal modality setting (col 2, lines



25-30, remote control; col 1, lines 60-67, tells the ringer to ring a certain way). Harris does not disclose that if the sender device is verified, verifying the priority command such that the priority command has a priority level to override the internal modality setting; and if the sender device is verified and the priority command is verified, overriding the internal modality setting.

In a similar field of endeavor, Chiu et al show a device that authenticates the identity of the sender of a command message as well as integrity of the content of the command message (page 13, paragraph 100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris to show receiving a communication command and a priority command from a sender device; verifying the sender device such that the sender device may override an internal modality setting; if the sender device is verified, verifying the priority command such that the priority command has a priority level to override the internal modality setting; and if the sender device is verified and the priority command is verified, overriding the internal modality setting, as taught by Chiu et al, the motivation being determining whether a command message is valid or whether the command specified in a particular command message should be applied (Chiu et al, page 13, paragraph 100).

Referring to **claim 16**, Harris discloses the method of claim 15 wherein the modality alert command includes at least one of the following: a vibratory alert, a ring-tone, a wake-up command, a text-based alert, an illumination alert and a defined output multi-modal output modality setting (col 1, lines 60-65, ring; col 2, lines 25-30, vibrator, light on/off).

Referring to **claim 17**, Harris discloses the method of claim 14 wherein the communication command may be at least one of the following; a caller identification, a text message, an auditory message and a visual message (col 1, lines 45-50, text message).

Referring to **claim 18**, Harris discloses the method of claim 14 wherein the step of receiving the communication command and the priority command from the sender device further includes receiving the communication command and the priority command to from intermediate server wherein the intermediate server receives the communication command and the priority command from the sender device (figure 1, text originator device 102, text delivery service 104, mobile device 110).

Referring to **claim 20**, Harris discloses a system for sender controllable modalities, the system comprising: a sending device including: a priority command generator capable of generating a priority command that includes a modality alert command (col 1, lines 60-65, ring command, interpreted as being the modality alert command is within the control code, interpreted as being the priority command); a communication command generator capable of generating a communication command (col 1, lines 45-50, text originator, text message is interpreted as being the communication command); and a transmitter operably coupled to the priority command generator and the communication command generator such that the priority command and the communication command are transmitted to a recipient device wherein the recipient device may receive the modality alert command within the priority command (col 1, lines 50-65, text delivery service, ring command within control code); and the recipient device including: a notification system having an internal alert modality setting; a receiver operably coupled to the notification system, wherein the receiver receives the communication command

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and the priority command from a sender device (col 2, lines 25-30, remote control; col 1, lines 60-67, tells the ringer to ring a certain way); a modality alert command is provided to the notification system to override the internal modality setting, wherein the modality alert command is disposed within a notification command; and a notification device operably coupled to the notification system such that in response to the notification command, the notification device provides an alert in accordance with the modality alert command (col 1, lines 50-65, text delivery service, ring command within control code; ringer rings hence 'notifying'). Harris does not disclose a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that the sender device is verified and the priority command is verified. Examiner maintains that the concept that a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that the sender device is verified and the priority command is verified was well known in the art as taught by Chiu et al.

In a similar field of endeavor, Chiu et al show a device that authenticates the identity of the sender of a command message as well as integrity of the content of the command message (page 13, paragraph 100).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris to show a verification module operably coupled to the receiver such that the verification module verifies the sender device and the priority command so that if the sender device is verified and the priority command is verified a modality alert command is provided to the notification system to override the internal modality setting, wherein the modality alert command is disposed within a notification command; and a notification device

operably coupled to the notification system such that in response to the notification command, the notification device provides an alert in accordance with the modality alert command, as taught by Chiu et al, the motivation being determining whether a command message is valid or whether the command specified in a particular command message should be applied (Chiu et al, page 13, paragraph 100).

Referring to **claim 21**, Harris discloses the system of claim 20 wherein the sender device further includes an input device operably coupled to the communication command generator such that the communication command generator generates the communication command in response to an input communication command (col 1, lines 45-55, text originator; text message, interpreted as being the communication command, is sent using input from a mobile device) and the input device operable coupled to the priority command generator such that the priority command generator generates the modality alert in response to an input priority command (col 1, lines 60-65, ring command is within the control code).

Referring to **claim 23**, Harris discloses the system of claim 20 wherein the communication command includes a multi-modal message such that the internal modality setting provides for an output display of the communication command and the modality alert command includes instructions for adjusting the form of output display for the communication command (figure 1, col 1 lines 50-55, display).

Referring to **claim 24**, Harris discloses the system of claim 20 wherein the modality alert command includes instructions such that the alert is at least one of the following: a vibration, a predetermined ring tone, one or more beeps, one or more flashing lights, a wake-up command

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and a defined multi-modal output modality setting (col 1, lines 60-65, ring; col 2, lines 25-30, vibrator, light on/off).

5. Claims 6, 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable U.S. Pat. No. 6314306 to Harris in view of U.S. Pat. App. Pub. No. 2003/0088633 to Chiu et al and further in view of U.S. Pat. No. 6684068 to Tikka et al.

Referring to **claims 6 and 22**, the combination of Harris and Chiu et al discloses the apparatus and system of claims 5 and 20 respectively, further comprising a communication command and a priority command (col 1, lines 45-65, text message, ring command within control code). The combination does not disclose a position location device such that the position location device generates a location indicator; a transmitter operably coupled to the position location device such that the transmitter transmits the location indicator to an intermediate server, wherein the communication command and the priority command may be received from the intermediate server based on the location indicator. Examiner maintains that the concept of a position location device such that the position location device generates a location indicator; a transmitter operably coupled to the position location device such that the transmitter transmits the location indicator to an intermediate server, wherein the communication command and the priority command may be received from the intermediate server based on the location indicator was well known in the art as taught by Tikka et al.

In a similar field of endeavor, Tikka et al show a mobile station which comprises a GPS receiver, transmits its location to the system (col 4, lines 60-65) and in response to receiving location information from the mobile station, a message is sent to the mobile station by a monitor unit (col 5, lines 10-15).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris and Chiu et al to show a position location device such that the position location device generates a location indicator; a transmitter operably coupled to the position location device such that the transmitter transmits the location indicator to an intermediate server, wherein the communication command and the priority command may be received from the intermediate server based on the location indicator, as taught by Tikka et al, the motivation being monitoring the location of the receiver specified for the message (Abstract, Tikka et al).

Referring to **claim 15**, the combination of Harris and Chiu et al discloses the method of claim 14 further comprising a communication command and a priority command (col 1, lines 45-65, text message, ring command within control code). The combination does not disclose transmitting a proximity indicator indicating the general location of the recipient device. Examiner maintains that the concept of transmitting a proximity indicator indicating the general location of the recipient device was well known in the art as taught by Tikka et al.

In a similar field of endeavor, Tikka et al show a mobile station which comprises a GPS receiver, transmits its location to the system (col 4, lines 60-65).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Harris and Chiu et al to show prior to receiving a communication command and a priority command, transmitting a proximity indicator indicating the general location of the recipient device, as taught by Tikka et al, the motivation being monitoring the location of the receiver specified for the message (Abstract, Tikka et al).

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6. Claim 19 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6314306 to Harris in view of U.S. Pat. App. Pub. No. 2003/0088633 to Chiu et al and further in view of what was well known in the art (see MPEP 2144.03).

Referring to **claim 19**, the combination of Harris and Chiu et al discloses the method of claim 18 wherein the step of verifying the sender device may be performed on the mobile device and the step of verifying the priority command may be performed on the mobile device (Chiu et al, page 13, paragraph 100). The combination fails to disclose that the step of verifying the sender device may be performed on the intermediate server and the step of verifying the priority command may be performed on the intermediate server.

The Examiner takes Official Notice that the step of verifying the sender device may be performed on the intermediate server and the step of verifying the priority command may be performed on the intermediate server was well known to a person of ordinary skill in the art at the time of the invention. It would have been obvious to modify the combination of Harris and Chiu et al to show the step of verifying the sender device may be performed on the intermediate server and the step of verifying the priority command may be performed on the intermediate server, the motivation being providing flexibility to the system by switching verification functionality between the mobile device and the intermediate server.

#### ***Response to Arguments***

7. Applicant's arguments, filed 4/7/2006, with respect to the rejection(s) of claim(s) 1-24 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of U.S. Pat.

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No. 6314306 to Harris, U.S. Pat. App. Pub. No. 2003/0088633 to Chiu et al and U.S. Pat. No. 6684068 to Tikka et al.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 8 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild, can be reached at (571) 272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOSEPH FEILD  
SUPERVISORY PATENT EXAMINER